

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting.....October 31, 2002
Location6900 Atmore Drive
Richmond, Virginia
PresidingJ. Granger Macfarlane, Chairman
PresentDonald L. Cahill
Clay B. Hester
Gregory M. Kallen
Colleen K. Killilea
Reneé Trent Maxey
R. W. Mitchell
Sterling C. Proffitt
Dr. Jeffery C. Trimble

8:30 a.m., Thursday, October 31, 2002

6900 Atmore Drive, Richmond, Virginia

The meeting was called to order.

I. Approval of July Board Minutes (Board Chairman)

The Chairman asked for a Motion from the floor to approve the July Board minutes. By *MOTION* duly made by Ms. Maxey, seconded by Ms. Killilea, the July Board minutes were moved for *APPROVAL AS PRESENTED*. Ms. Maxey and Ms. Killilea, being the only current Board members present at the time of the vote who were present at the July Board meeting, verbally noted their affirmative vote. There were no opposing votes noted. Messrs. Hester, Kallen, Macfarlane, Mitchell, and Proffitt *ABSTAINED* from the vote as they were not members of the Board for the month in question. Mr. Cahill was a member in good standing in July but was absent at the time of the vote on the motion. Dr. Trimble was neither present at the Board meeting at the time of the vote on the motion, nor could he have voted for approval of the minutes as presented as he was not a member of the Board for the month in question. As a tie-breaking vote was not necessary, a vote by the Board Chairman was not noted.

Approval of September Board Minutes (Board Chairman)

The Chairman asked for a Motion from the floor to approve the September Board minutes. By *MOTION* duly made by Mr. Mitchell, seconded by Mr. Proffitt and unanimously *APPROVED* by verbally responding in the affirmative (Hester, Kallen, Killilea, Maxey, Mitchell, Proffitt), the September Board minutes were approved as presented. Mr. Hester was not present at the September meeting and should not have been recorded as an affirmative vote. There were no opposing votes noted. Mr. Cahill and Dr. Trimble were not present at the Board meeting at the time of the vote on the

motion. As a tie-breaking vote was not necessary, a vote by the Board Chairman was not noted.

II. Public/Open Comment (Board Chairman)

The Chairman noted there were no members of the general public appearing to speak to the Board. The Chairman then opened the floor for general comments by the Board members. Several members made remarks. The Chairman noted that Committee assignments would be forthcoming, and he would be adding another standing Board committee at some time in the future. He restated the Board's goal; to ensure that Virginia has a model system.

III. Liaison Committee (Mr. Howerton)

Mr. Howerton gave the Board a general overview and history of the Liaison Committee. Going section by section, he reviewed and explained the sample July, 2002, report presented to each Board member for their information. Mr. Howerton then entertained questions by Board members.

IV. Administration Committee (Mr. Link)

Mr. Link gave the Board a general overview of the Administration Committee. He explained several reports that would routinely come to the Board as well as other items that are discussed as a matter of course. He then went on to give an updated Budget Briefing, detailing the Department's cuts as announced by the Governor on October 15, 2002. In all, the Department sustained \$25.2 million in cuts for Fiscal Year 2003, and will sustain \$25.5 million in cuts for Fiscal Year 2004. It was noted by the Human Resources Director that it is estimated that 125 employees will ultimately be affected this first time around.

Agenda item **2002 Year End Overtime Report** was then discussed. It was noted from this report that there was a 9.4% increase over the previous year in overtime expenditures. The factors contributing to that increase were discussed at length. The Board was assured that overtime expenditures are constantly monitored by the Department. It is not anticipated that any changes will need to be made to this monitoring process at this time.

Approved Resolution for Sale or Disposal of Four Parcels of Real Property Known as Fairfax Correctional Field Unit, Tidewater Detention Center, Staunton Correctional Center, and Approximately 13 Acres at White Post Detention Center

By *MOTION* duly made by Mr. Cahill, seconded by Mr. Mitchell and unanimously *APPROVED* by verbally responding in the affirmative (Cahill, Hester, Kallen, Killilea, Maxey, Mitchell, Proffitt, Trimble), the following Resolution was approved. There were

no opposing votes. As a tie-breaking vote was not necessary, a vote by the Chairman was not noted.

Pursuant to Section 53.1-18 of the Code of Virginia, I move that the Board approve the sale or disposal of four parcels of real estate known as Fairfax Correctional Center, Tidewater Detention Center, Staunton Correctional Center, and approximately 13 acres at White Post Detention Center. It is understood these sales or disposals will be made upon terms and conditions as deemed appropriate by the Department of General Services, the Department of Corrections, and the Secretary of Administration as the Governor's designee for these matters. The Director of the Department of Corrections is hereby authorized to sign all documents in furtherance of the sale or disposal of these parcels of real estate.

Approved Resolution for Sale or Disposal of Surplus State Property Located at 1511 6th Street, Victoria, Virginia, in Lunenburg County, Formerly Occupied by Staff of Lunenburg Correctional Center.

By *MOTION* duly made by Mr. Hester, seconded by Mr. Mitchell and unanimously *APPROVED* by verbally responding in the affirmative (Cahill, Hester, Kallen, Killilea, Maxey, Mitchell, Proffitt, Trimble), the following Resolution was approved. There were no opposing votes. As a tie-breaking vote was not necessary, a vote by the Chairman was not noted.

Pursuant to Section 53.1-18 of the Code of Virginia, I move that the Board approve the sale or disposal of the real estate located at 1511 6th Street, Victoria, Virginia, located in the County of Lunenburg. It is understood this sale will be made upon terms and conditions as deemed appropriate by the Department of General Services, the Department of Corrections, and the Secretary of Administration as the Governor's designee for these matters. The Director of the Department of Corrections is hereby authorized to sign all documents in furtherance of the sale or disposal of this parcel of real estate.

**V. Correctional Services Committee Report
Compliance & Accreditation Unit (Mr. Hagenlocker)**

Prior to entering into a discussion on the agenda items, Mr. Cahill made the *MOTION* that the agenda items in total be tabled until the Committee could review them as any questions that might come up during discussion would be extremely time consuming. Mr. Kallen seconded the motion. Staff and some senior Board members voiced their concerns about the possible ramifications of tabling the items until the Committee could next meet.

The Chairman called for the vote on postponing the Committee's report until the next meeting. Three members verbally responded in the affirmative for tabling the Committee's report until the next meeting (Cahill, Kallen, Trimble). Five members verbally responded in the negative to tabling the Committee's report until the next

meeting (Hester, Killilea, Maxey, Mitchell, Proffitt). The *MOTION FAILED* by a vote of 3 to 5. As a tie-breaking vote was not necessary, a vote by the Chairman was not noted. The Committee report followed as outlined in the published agenda.

By *MOTION* duly made by Mr. Hester, seconded by Mr. Mitchell, it was moved that a summary of certification audit recommendations be entertained. For the record, Mr. Proffitt noted two corrections to be made to the certification audit report. The summary followed.

State Facilities

Rustburg Correctional Field Unit #9 (100% compliance) – Unconditional Certification.

Caroline Correctional Field Unit #2 – Unconditional Certification with the Compliance and Accreditation Unit to check back in not less than 120 days to ensure adherence to corrective plans of action.

By *MOTION* duly made by Mr. Hester, seconded by Mr. Mitchell and unanimously *APPROVED* by verbally responding in the affirmative (Cahill, Hester, Kallen, Killilea, Maxey, Mitchell, Proffitt, Trimble), the above recommendations were approved. No opposing votes were noted. As a tie-breaking vote was not necessary, a vote by the Chairman was not noted.

Community Corrections/Local Jail Certifications

Fluvanna County Lockup (100% compliance) – Unconditional Certification.

Mason Street Lockup (100% compliance) – Unconditional Certification.

Mt. Vernon Lockup (100% compliance) – Unconditional Certification.

Wise County Jail – Unconditional Certification.

Russell County Jail – Defer to December, 2002, as corrective plans of action submitted are incomplete at this time.

By *MOTION* duly made by Ms. Maxey, seconded by Mr. Hester and unanimously *APPROVED* by verbally responding in the affirmative, (Cahill, Hester, Kallen, Killilea, Maxey, Mitchell, Proffitt, Trimble), the above recommendations were approved. No opposing votes were noted. As a tie-breaking vote was not necessary, a vote by the Chairman was not noted.

Probation & Parole District #18
Probation & Parole District #15 (deferred from 7/02)
Probation & Parole District #22 (deferred from 7/02)
Probation & Parole District #10
Probation & Parole District #26
Probation & Parole District #39
Probation & Parole District #34
Probation & Parole District #7
Probation & Parole District #42
Probation & Parole District #1

Mr. Cahill asked if any of the above P&P audits had been deferred from a previous meeting agenda. Mr. Hagenlocker noted that that was the case. Mr. Cahill specifically noted that Standard 3059 was out of compliance in several of the above-reported audits. Several Board members felt that if the Standard exists, the Districts should make every effort to comply. In conversation, the Director of the Department noted that even though the Department is under severe budgetary constraints and there is a cost associated with compliance with this particular Standard, he did not see that as an excuse for non-compliance. Arrangements will be made to bring these Districts into compliance with Standard 3059. In addition, the liability issue due to continued non-compliance was a concern for Board members as well as Department staff. It was agreed to postpone Board review of these Districts until this Standard is met. Once that is accomplished, a full report will be presented to the Board for their review and action.

By *MOTION* duly made by Mr. Cahill, seconded by Ms. Maxey and unanimously *APPROVED* by verbally responding in the affirmative, (Cahill, Hester, Kallen, Killilea, Maxey, Mitchell, Proffitt, Trimble), a review of the above items was postponed. No opposing votes were noted. As a tie-breaking vote was not necessary, a vote by the Chairman was not noted.

Norfolk Day Reporting Center – Probationary Certification with the Compliance & Accreditation Unit to check back in not less than 90 days to ensure adherence with corrective plans of action.

By *MOTION* duly made by Mr. Hester, seconded by Mr. Mitchell and unanimously *APPROVED* by verbally responding in the affirmative, (Cahill, Hester, Kallen, Killilea, Maxey, Mitchell, Proffitt, Trimble), the above recommendation was approved. No opposing votes were noted. As a tie-breaking vote was not necessary, a vote by the Chairman was not noted.

V. Correctional Services Committee Report (cont'd)
Local Facilities Unit (Mr. Howerton)
Jail Inspections

Alexandria Adult Detention Center - 100% compliance.

Amherst County jail – 100% compliance.

Blue Ridge Regional Jail – Halifax – two deficiencies cited; all corrected.

Blue Ridge Regional Jail – Lynchburg – 100% compliance.

Blacksburg Town Lockup – 100% compliance.

Brunswick County Jail – 100% compliance.

Buchanan County Jail – 3 deficiencies cited; all corrected.

Central Virginia Regional Jail – 100% compliance.

Chesapeake City Lockup #4 – 100% compliance.

Clarke/Frederick/Winchester/Fauquier Regional Jail – 100% compliance.

Danville Adult Detention Center – two deficiencies cited; 6.5 ongoing; no plan of action yet.

Dickenson County Jail – 4 deficiencies cited; all corrected.

Dinwiddie County Jail – this facility came to the Board in a probationary certification status because during its 2001 inspection, 13 deficiencies were cited. During a September, 2002, special certification audit, it was reported by Mr. Howerton that the facility had achieved **100% compliance**. After the audit report is presented to the Board by the Compliance & Accreditation Unit, a change in certification status can be entertained. **The facility remains on probationary certification at this time.**

Essex County Lockup – 100% compliance.

Fairfax Adult Detention Center – 100% compliance.

Prince William County - Garfield District – 100% compliance.

Henry County Jail – 1 deficiency cited; all corrected.

Lee County Jail – 3 deficiencies cited; all corrected.

Martinsville City Jail and Annex – 1 deficiency cited; all corrected.

Newport News City Jail – 1 deficiency cited; all corrected.

Newport News City Jail Farm – 100% compliance.

Norfolk City Jail – 100% compliance.

Northampton County Jail – this facility came to the Board in a probationary certification status. During its 2001 inspection, 11 deficiencies were cited. The facility remains out of compliance at this time. It was recommended that the facility be **maintained in probationary certification status** with monthly monitoring. It was noted that this facility is considering the construction of a regional jail facility on the Eastern Shore.

Page County Jail – 100 % compliance.

Petersburg City Jail – 100% compliance.

Petersburg City Jail Farm – 4 deficiencies cited; all corrected.

Piedmont Regional Jail – 1 deficiency cited; all corrected.

Prince William County Regional Adult Detention Center – 1 deficiency; all corrected.

Rappahannock County Jail – 1 deficiency cited; all corrected.

Rappahannock Regional Jail – 1 deficiency cited, Standard 6.1; all corrected.

Roanoke City Jail – 100% compliance.

Scott County Jail – 2 deficiencies cited; all corrected.

Shenandoah County Jail – 2 deficiencies cited; all corrected.

Smyth County Jail – 6 deficiencies cited; all corrected. The facility will be monitored by a manager with the Local Facilities Unit who will return to verify compliance with corrective plans of action.

Tazewell County Jail – 3 deficiencies cited; the facility will be revisited to ensure compliance with corrective plans of action.

Virginia Beach Lockup #4 – 100% compliance.

Virginia Beach Lockup #2 – 100% compliance.

Warren County Jail – 100% compliance.

Wise County Jail – 1 deficiency cited; the facility will be revisited to ensure compliance with corrective plans of action.

By *MOTION* duly made by Mr. Hester, seconded by Ms. Maxey and unanimously *APPROVED* by verbally responding in the affirmative, (Cahill, Hester, Kallen, Killilea, Maxey, Mitchell, Proffitt, Trimble), the above recommendations were approved. No opposing votes were noted. As a tie-breaking vote was not necessary, a vote by the Chairman was not noted.

VI. Budget Update

As an in-depth review had occurred during Mr. Link's Administration Committee report, it was determined that no further discussion on this item need be held at this time.

VII. Closed Session

By *MOTION* duly read by Mr. Cahill, who duly recorded the verbal affirmative of all nine Board members, the Board reconvened in Closed Session pursuant to Section 2.2-3711 (a)(19) of the Code of Virginia for those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life of safety. There was no record of a second to the motion.

All meeting attendees remained. An off-the-record discussion was held. The Board then returned to Open Session whereupon an individual roll call vote was taken by Mrs. Woodhouse whereby Board Members were requested to vote that to the best of their knowledge, 1) only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting and 2) only such business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered. All nine Board members' verbal affirmative was duly noted.

On *MOTION* duly made by Mr. Mitchell, seconded by Mr. Hester and unanimously *APPROVED* by verbally responding in the affirmative, (Cahill, Hester, Kallen,

Macfarlane, Maxey, Mitchell, Proffitt, Trimble), the recommended sentence reduction for the inmates in Case #1 was approved as presented. No opposing votes were noted. Ms. Killilea *ABSTAINED* from the vote.

On *MOTION* duly made by Mr. Hester, seconded by Ms. Killilea and unanimously *APPROVED* by verbally responding in the affirmative, (Cahill, Hester, Kallen, Killilea, Macfarlane, Maxey, Mitchell, Proffitt, Trimble), the recommended sentence reductions for Case #2 and Case #3 were approved as presented. No opposing votes were noted.

VIII. Other Business

There was no other business to discuss.

IX. Future Meeting Plans

The next Board meeting is scheduled for December 4, 2002, at 10:00 a.m. Several Board members suggested that in creating the Board's schedule for next year, consideration should be given to choosing the 3d Wednesday of every other month for the Board meetings. It was noted that this would help eliminate scheduling conflicts for those Board members who have business already scheduled.

It was announced that there will be a Liaison Committee Meeting on December 3, 2002, at 10:00 a.m. Messrs. Proffitt, Hester, and Trimble are assigned to that Committee. The Chairman noted he would be in touch regarding other Committee assignments.

Liaison Committee – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, December 3, 2002

Correctional Services/Policy & Regulations Committee – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, December 3, 2002

Administration Committee – 8:30 a.m., Room 3065, 6900 Atmore Drive, Richmond, Virginia December 4, 2002

Board Meeting – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, December 4, 2002

X. Adjournment

The meeting was adjourned.

(Signature copy on file)

J. GRANGER MACFARLANE, CHAIRMAN

COLLEEN K. KILLILEA, SECRETARY